

A BILL

FOR AN ACT TO REPEAL SECTIONS 2784 AND 2788 OF CHAPTER 9 OF TITLE XVII
OF THE CODE OF 1873, AND TO ENACT A SUBSTITUTE THEREFOR, AND
AMENDING SECTION 2783.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 2784
and 2788 of chapter 9 of title XVII of the Code of 1873 be repealed, and in lieu thereof the
following be enacted:

Sec. 2784. Before the argument of counsel to the jury is commenced, the jury shall retire
from the room, and either party may then, in writing, request instructions to the jury, which
shall be given, refused or modified, as the court shall deem the law to be, and the court shall
then read to the jury such instructions as he then intends to give, and no other, which
instructions shall be in paragraphs consecutively numbered. While the jury is absent coun-
sel may be heard in argument as to the law of the case, if the court so desires. The jury
shall then be recalled, and counsel may argue to the jury the facts as applied to the instruc-
tions given.

Sec. 2788. If, in the judgment of the court, the instructions before given have been mis-
construed by counsel in argument, or the jury is in danger of being misled, or if he deem it
necessary to further explain the instructions already given, he may, after argument, further
instruct the jury, in writing, numbering the paragraphs as part of the charge. The court
shall make no oral explanation to the jury of any instruction given.

SEC. 2. That section 2783 of the Code be amended by adding to the section the following:
“When any question of law affecting the substantial merits of the cause arises upon the
trial, and counsel desire to argue the question, upon the request of either party the court
may order the jury to retire until the argument is concluded.